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**From:** Bohan, Suzanne [bohan.suzanne@epa.gov]  
**Sent:** 10/5/2018 9:03:43 PM  
**To:** Garvey, Megan [garvey.megan@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Thomas, Deb [thomas.debrah@epa.gov]  
**Subject:** KPK Complaint Filed Today  
**Attachments:** DENVER-#625306-v1-DN\_1\_COMPLAINT\_against\_K\_P\_Kauffman\_Company\_\_Inc\_\_Attorney\_James\_D\_Freeman\_added\_to\_party\_United\_States(p ATT00001.htm

EPA and Colorado filed the KPK complaint today. Below is the desk statement that was provided to DOJ's press office in the event of any inquiries:

On October 5, 2018, the U.S. Environmental Protection Agency, through the U.S. Department of Justice, and jointly with the State of Colorado on behalf of the Colorado Department of Public Health and Environment, filed a complaint in the U.S. District Court for the District of Colorado against K.P. Kauffman Company, Inc. (KPK). The complaint alleges violations of the Clean Air Act, the Colorado Air Pollution Prevention and Control Act, Colorado's federally approved State Implementation Plan, and Colorado Air Quality Control Commission Regulation Number 7 for unlawful emissions of volatile organic compounds from KPK's condensate storage tanks and associated vapor control systems. All of KPK's tank systems subject to the complaint are within the Denver ozone nonattainment area which is currently classified as "moderate". Specifically, KPK is alleged to have failed to design, operate, and maintain its condensate collection, storage, processing and handling operations to minimize leakage of volatile organic compounds, and operate all air pollution control equipment to handle all reasonably foreseeable fluctuations in emissions of volatile organic compounds.

Please let me know if you have any questions and have a great weekend.